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C O N F I D E N T I A L SECTION 01 OF 02 TEGUCIGALPA 000052

SIPDIS

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TAGS: [PGOV](#) [KCRM](#) [SOCI](#) [HO](#)

SUBJECT: NOMINATING COMMITTEE SENDS FINAL LIST OF SUPREME
COURT JUSTICE CANDIDATES TO CONGRESS

REF: A. A) TEGUCIGALPA 33

[B. B\) TEGUCIGALPA 29](#)

[C. C\) TEGUCIGALPA 15](#)

Classified By: Ambassador Hugo Llorens, reason 1.4 (d)

[1](#)1. (U) Summary: The Supreme Court Nominating Committee came to a compromise and submitted a list of 45 candidates for the Supreme Court to the Congress on January 23, despite intense political pressure and a media frenzy, mostly driven by leaks from politicians and from the committee itself. Notably absent from the list were candidates from both major political parties. It appears that the Committee decided to universally exclude any candidate tied too publicly to any party, which garnered wide public support. The National Party, National Innovation and Unity Party (PINU), and Democratic Unification (UD) Party have all announced they will support choosing the new court from this list. The Congress will now be sequestered all weekend to negotiate the final 15, which must be announced by January 25. End Summary.

[1](#)2. (U) After much public wrangling and rumors, the Nominating Committee sent its list of 45 Supreme Court candidates to the National Congress January 23. Twelve of those candidates were self-nominated, and were not initially supported by any of the seven organizations that form part of the Committee. The press had focused of late on the process of selection, noting that there were not clear rules and that many candidates were not told why they were disqualified. There was also much discussion about whether a candidate who is affiliated with a party should be allowed to remain on the list. The press reported intimate details, which were obviously leaked by member(s) of the Committee, as to which representatives supported which points of view. In the end, however, the Committee was able to put aside its differences, come to a compromise, and issue a list of 45, which was agreed on with at least six of seven members voting for each one selected.

[1](#)3. (C) The list was delivered to Congress on January 23. Notably absent from the list were prominent candidates from the political parties. The four members of the National Party Judicial board were eliminated, although rumor has it that they were all candidates favored by ex-President Rafael Leonardo Callejas. In addition, Liberal Party Presidential Candidate Elvin Santos' personal lawyer was rejected (Note: Santos told the Ambassador he had nothing to do with this

candidacy.) A highly-respected ex-Presidential candidate from the PINU party was also removed.

¶4. (C) National Party President Porfirio "Pepe" Lobo told the Ambassador that he thought it a mistake to exclude so many candidates with political connections, but said that the National Party and its members of Congress would put this issue aside and push to select the next Supreme Court from the list of 45. The conservative press reaction has been universally positive with headlines like "Reason has Prevailed," while the National Party, PINU, and Democratic Unification parties have all said publicly they will support choosing the court from the submitted list. The Christian Democratic and Liberal Parties have not made any statements, probably because of a lack of internal cohesion.

¶5. (C) President Manuel "Mel" Zelaya continues to publicly complain about the process, saying that the committee only has the prerogative to "suggest" names and that the Congress is the body that elects the next court. Zelaya appears to be supporting Congressional independence in this case, as pundits say he made an agreement with President of the Congress Roberto Micheletti to reelect Sonia Marlina Dubon Villeda, wife of Minister of the Presidency Enrique Flores Lanza. Micheletti told the Ambassador, however, that he was tired of the public accusing the Congress of being corrupt and that although he believed that the Constitution gave the Congress the right to allow existing court members to serve on the new court whether or not they were on the committee's list, he would "do the right thing."

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¶6. (C) Comment: It appears that the Committee agreed to remove anyone who was too publicly tied to any party, thereby not targeting any one party in particular. Unfortunately, give the fact that most Hondurans in public life are affiliated with a political party, many good candidates were excluded. We would not be surprised if the Congress allowed one or two candidates from the last court not on the committee's list to stay on, if only to assert the Congress' authority. Nevertheless, the committee's action was a triumph for transparency and accountability. The new court will be more independent from political pressure and more accountable to the public. The Congress has until January 25 to announce its list, so we expect they will be sequestered the entire weekend in intense negotiations. End Comment.
LLORENS